

R.M. OF ST. CLEMENTS
ZONING BY-LAW 5-2002
CONDITIONAL USE FILE NO. 6, 2024
PUBLIC HEARING

We are
Listening.

**Public
Hearing**
Tuesday,
April 23, 2024
6:00 PM
Council Chambers
1043 Kittson Rd.
East Selkirk, MB

Phone:
(204) 669-8880
1-800-876-5831

Fax:
(204) 669-8882

E-Mail:
info@rrpd.ca

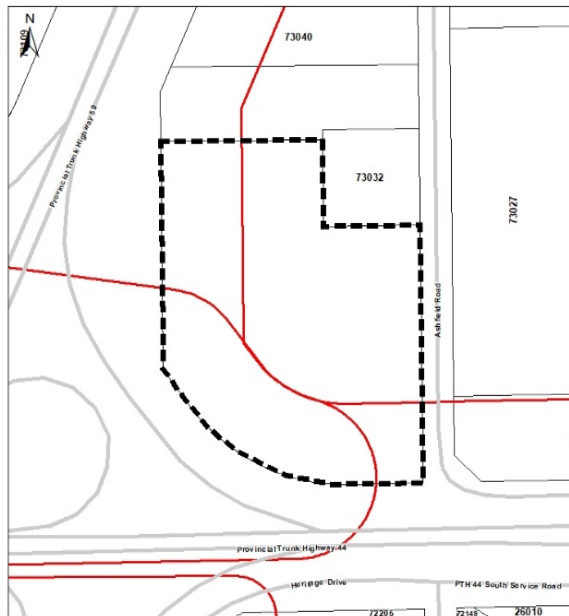
Website:
redriverplanning.com



As per *The Planning Act*, any person can make representation on the matter at the meeting.

What is CU 6, 2024 about?

This application seeks to allow for a “Recreation Commercial” (paintball facility) use on the subject property in the “AR” Agricultural Restricted zone.



Ashfield Road (Roll No. 249875)

Seating at the planning public hearing will be limited to accommodate social distancing. We ask that you contact the municipal office at 204-482-3300 or info@rmofstclements.com to register your attendance so that we can ensure adequate physical distancing seating. Alternatively, you can contact the RM of St. Clements to receive an invitation to public hearing remotely through Zoom, submit questions or concerns in writing or visit the municipality’s website for the link to live streaming with interactive chat.

For more information please contact the Red River Planning District.

Red River Planning District
2978 Birds Hill Rd. East St. Paul, MB
Mon-Fri*
8:30 AM - 4:15 PM

*excludes all statutory holidays

***NOTE:** Property owners are responsible for notifying “Tenants”



2978 Birds Hill Rd.
East St. Paul, MB R2E 1J5
Toll Free: 800-876-5831
Phone: 204-669-8880
Fax: 204-669-8882

Date: April 19, 2024
File: CU 06, 2024
From: Derek Eno, MCIP, RPP, Manager of Planning Services
To: Council, R.M. of St. Clements
Location: Lot 4, Plan 71535
Ashfield Road (Roll No. 249875)

Property Zoning:

“AR” Agricultural Restricted Zone,
St. Clements Zoning By-Law 5-2002

Property Zone	Conditional Use Request	Proposed by Applicant
“AR” Agricultural Restricted	Recreation Commercial	Paintball Facility

Purpose:

The purpose of this conditional use application is to allow a “Recreation Commercial” business in the “AR” Agricultural Restricted Zone. Specifically, the applicant has outlined in their letter that they proposes to establish a “...outdoor and indoor paintball, airsoft and gel-blaster gaming facility with associated pro-shop and supporting facilities”. The applicant noted that they will construct a 6,000 square foot (+/-) building to be used for registration, offices, washrooms and player staging areas.

The applicant also notes in their letter that in the future they may offer rock climbing walls, athletic fields and other sports / adventure activities. In addition, the applicant notes that they may construct an additional 18,000 square foot (+/-) addition to the proposed building to offer indoor gaming areas. Council, and the applicant, should note that in order to conduct these additional / future activities the applicant will be required to submit and obtain an additional conditional use approval. This is because the applicant has not committed to these additional uses thought this current proposal / application (CU 6/2024).

Background:

The property is approximately 15.82 acres in site area (according to RRPD GIS data), is located at the northeast corner of the PTH 59 and PTH 44 intersection, and is undeveloped. The subject property is zoned “AR” Agricultural Restricted in the Zoning By-law and *Agriculture Restricted* in the Development Plan. The subject property is surrounded by the following

To the North: Commercial buildings and residential homes on acreages zoned “CH” Commercial Highway or “AR” Agricultural Restricted.

To the South: PTH 44, then residential homes on acreages zoned “CH” Commercial Highway or “A40” Agricultural Limited.

To the West: PTH 59 then undeveloped land “AR” Agricultural Restricted.

To the East: Residential homes on acreages zoned “A40” Agricultural Limited.

Analysis:

The RM of St. Clements Zoning By-law lists the “Recreation Commercial” land use as a conditional use in the “AR” Agricultural Restricted Zone. The Zoning By-law defines “Recreation Commercial” as:

“Privately owned recreation building or facilities such as, but not restricted to a campground, golf course, driving range, waterside park, gun club, amusement park, museum, theatre, marina, tent and trailer park, and may include associated gift shop and food and beverage facilities”.

The proposed use of an outdoor and indoor paintball, airsoft and gel-blaster gaming facility fits within this land use category definition.

As previously noted, the subject property is designated as *Agriculture Restricted* in the Development Plan (By-law No. 272/19). The following relevant objectives and policies from the *Agriculture Restricted* section of the Development Plan are provided below.

- 4.2.a *To provide for small holding development under specified conditions.*
- 4.2.b *To provide for a variety of lot sizes to accommodate residential development and small scale agricultural operations on the same lot.*
- 4.2.c *To discourage land use practices which would render agricultural land less productive, or have an inflating effect on land assessment and / or taxation.*
- 4.2.d *To protect agricultural land for agricultural use, including different types and sizes of mixed farming enterprises.*
- 4.2.e *To prevent the development of conflicting agricultural uses and non-agricultural uses in close proximity to each other.*
- 4.2.f *To maintain the rural character of the municipality for the benefit and long term interest of the agricultural sector.*
- 4.2.g *To support the development of agro-related industrial and commercial activities, particularly those that complement the agricultural economy, in a*

manner that is compatible with municipal servicing capabilities, and sensitive to the natural environment and provincial transportation system.

- 4.2.h *To ensure that farmers are able to supplement their incomes while maintaining agriculture as their principal activity.*
- 4.2.2 *Land uses which would interfere with agricultural production or which would have an inflationary effect on land values shall be avoided.*
- 4.2.3 *Land uses that may have a detrimental effect on the local environment or adjacent development shall be treated as Conditional Uses in municipal zoning by-laws to*
- 4.2.5 *Certain specialized or small scale agricultural activities (e.g. nurseries, horticulture, bee keeping, etc.) may be allowed in the Agriculture Restricted area provided that they are compatible with surrounding residential activities.*
- 4.2.7 *Small scale industrial uses may be permitted in the Agriculture Restricted areas as part of a farm operation in accordance with the overall objectives and policies for the Agriculture Restricted areas. The range and / or intensity of such small scale industrial uses may be limited and shall be treated as Conditional Uses in municipal zoning bylaws.*
- 4.2.8 *Commercial and industrial development that require a small land area, urban services, and is not related to resource or agricultural activities will not be permitted in the Agriculture Restricted areas.*
- 4.2.9 *In approving commercial and industrial uses in Agriculture Restricted areas the following criteria shall be considered:*
 - 4.2.9.1 *The size and type of operation.*
 - 4.2.9.2 *Compatibility with the surrounding land uses and activities.*
 - 4.2.9.3 *The requirement for provision of municipal services.*
 - 4.2.9.4 *The potential for adverse effects on surface and groundwater, air quality, noise levels, and other characteristics important to the region.*
 - 4.2.9.5 *Adjacent land uses and activities, particularly sensitive land, ecological reserves, heritage marshes, wildlife management areas, and Provincial Parks or voluntarily protected areas, such as those established by a Conservation Agreement.*

Based on the Development Plan policy, it appears that policy 4.2.6 and 4.2.7 would allow for commercial and/or industrial uses only if they are related to farm and agricultural uses. While policy 4.2.9 lists criteria for commercial and industrial uses, the RRPD suggests that this criteria would related to policy 4.2.6 and 4.2.7.

Policy 4.2.8 of the Development Plan specifically notes that commercial and/or industrial uses that are not related to agricultural activities are not permitted in the *Agriculture Restricted* designation. Since the applicant is proposing a commercial use that is not

related agricultural activities, the proposal does not align with Development Plan policy 4.2.8.

In terms of planning legislation hierarchy in Manitoba, a Development Plan is higher in the hierarchy than a Zoning By-law. Meaning that the Development Plan policy must be taken in consideration. This is reflected in Section 106(1) (b) (iii) of The Planning Act which outlines that a Conditional Use application can be approved if it is "...generally consistent with applicable provision of the development plan...".

Government Submitted Comments

Government Agency	Comments
RM of St. Clements	<ol style="list-style-type: none">1. Applicant / owner obtain a Business License from the RM of St. Clements.2. A drainage plan be submitted to the RM of St. Clements for review and acceptance.

Options:

Under section 106(1) of *the Planning Act*, on completion of the public hearing, Council may:

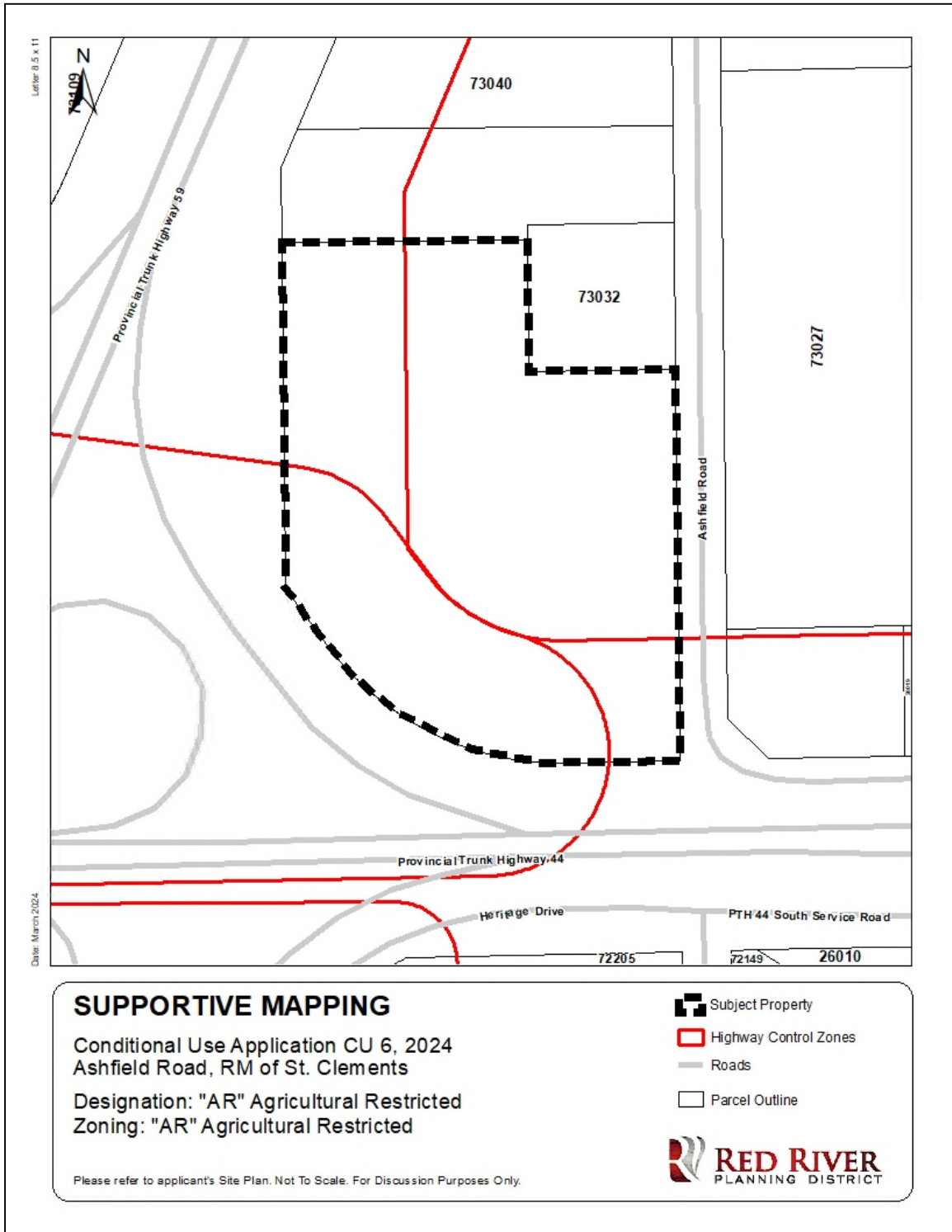
- (a) reject the application; or
- (b) approve the application if the conditional use proposed in the application
 - (i) will be compatible with the general nature of the surrounding area,
 - (ii) will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area, and
 - (iii) is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law.

Recommendation:

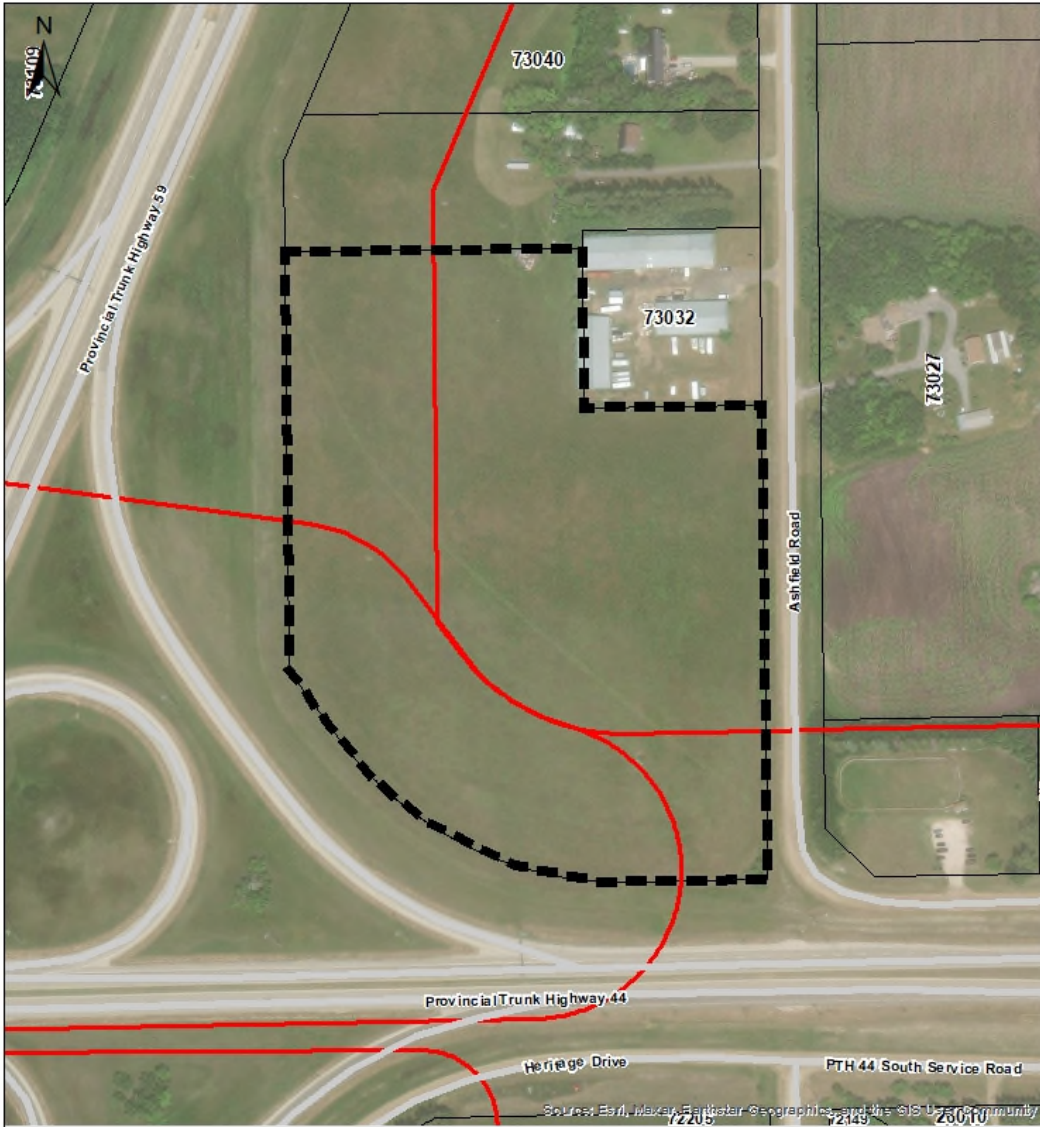
Should Council approve this application, our office recommends the following conditions of approval:

1. That conditional use approval be limited to what is proposed within this application. Any changes in use or expansion will require a new conditional use approval.
2. Applicant / owner obtains all required permits and approvals, including but not limited to those from the Red River Planning District and the municipality, if applicable.
3. Applicant / owner obtains a Business License from the RM of St. Clements.
4. Applicant / owner submits a drainage plan to the RM of St. Clements for review and acceptance.

RRPD Location Maps
 (Illustrating Subject Property)



Letter 9.5 x 11



Date: March 2024

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

SUPPORTIVE MAPPING

Conditional Use Application CU 6, 2024
Ashfield Road, RM of St. Clements

Designation: "AR" Agricultural Restricted
Zoning: "AR" Agricultural Restricted

Please refer to applicant's Site Plan. Not To Scale. For Discussion Purposes Only.

-  Subject Property
-  Highway Control Zones
-  Roads
-  Parcel Outline



Applicant Provided Information
(Letter of Intent, Site Plan, etc.)



204 338 1535
contact@paintballparadise.com
www.paintballparadise.com

568 Prest Ave
West St. Paul
MB R2V 4R9

March 6th, 2024

Red River Planning District
2978 Birds Hill Road
East St. Paul, MB. R2E 1J5

To whom it may concern,

Please accept this letter of intent for conditional use approval at roll number 249875 "0 Ashfield Road" within the RM of St. Clements. We are seeking the approval of a Recreation – Commercial designation which is listed as conditional under the property's AR zoning as per the RM's Zoning By-law 5-2002.

Intent is to establish a world class outdoor and indoor paintball, airsoft and gel-blaster gaming facility with associated pro-shop and supporting facilities. Recreation Commercial is defined in the zoning by-law and this use falls within such definition. Future offerings could include, rock climbing walls, athletic fields and other sports / adventure activities for families to enjoy.

Construction of a 6000 +/- square foot steel framed and clad building to house registration, offices, washrooms and player staging areas would be required initially, and designed such to allow for the future addition of another 18,000 +/- square feet to accommodate indoor gaming areas.

The proposed site is 15.82 acres in size, allowing for ample parking area as required and positioning of the gaming areas away from neighbouring properties. Build out of the gaming areas will see the install of barrier netting where required. Tree rows will be planted along the perimeter to provide shelter from prevailing winds and act as a privacy barrier for properties to the east.

Access will be off Ashfield road and will be gated. The property is bordered by two major 4 lane highways; 59 to the west and 44 to the south both of which connect to Ashfield road directly.

Surrounding properties are a mix of low density residential in the AR zoning, and Commercial Highway. We have been in contact with property owners bordering the proposed site and are making this application with their consent.

We have been in operation for over 40 years, and take great pride in operating a safe and welcoming environment for our guests and neighbours. We provide an exciting venue for kids, teens and adults alike and have been trusted for generations to host countless birthday parties, team windups and team building events. Over the years we have hosted A list rockstars, Pro



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568 Prest Ave
West St. Paul
MB R2V 4R9

athletes and political leaders. Numerous television shows and movies have filmed on our unique playing areas, but our greatest joy is knowing that no matter who graces us with their patronage, we will show them the time of their life. It is also our great honour to offer employment to local youth, and support community events. I'm confident that we can bring a world class attraction to the community that will enrich the lives of residents, further drive economic growth and do so while respecting the lifestyle residents in the area currently enjoy.

Thank you for your consideration, I would be happy to discuss our intentions further should any questions arise.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sean Thomson', with a stylized flourish at the end.

Sean Thomson
Owner
Paintball Paradise



Government Submitted Comments

March 21, 2024

Red River Planning District
2978 Birds Hill Road
East St. Paul, MB
R2E 1J5

Attention: Jennifer Ferguson, Executive Director

Dear Ms. Ferguson:

Re: **Conditional Use 6-2024**
7260734 Manitoba Ltd.

Along with any requirements provided by commenting agencies, Administration for the R.M. of St. Clements has the following comments:

1. Applicant / Owner to obtain a Business License from the R.M. of St. Clements;
2. A drainage plan be submitted to the R.M. of St. Clements for review and acceptance.

Should you have any questions or concerns please do not hesitate to contact our office.

Sincerely,



Kayla Kozoway
Planning Clerk

cc: CU 6-2024